

1 findings and conclusions, and everyone must file
2 proposed findings and conclusions, or you may be
3 subject to dismissal. August 10, for proposed findings
4 and conclusions, and August 21, for replies.

5 MR. SHOOK: Your Honor, was that the
6 Twenty-First for reply to findings?

7 JUDGE KUHLMANN: Yes.

8 MR. SIMPSON: The Tenth and the Twenty-First?

9 JUDGE KUHLMANN: The Tenth and the
10 Twenty-First.

11 Now, I wanted to explain how I like them
12 done, so that they are done right, because otherwise
13 they are not much help.

14 I want, next to the sentences, not at the end
15 of paragraphs, the actual citation that supports that
16 thought. Now, it is conceivable that you are going to
17 have several sentences that essentially convey one
18 idea, and then you can put the cite at the end of that,
19 but I do not want you to group them all at the end of
20 the paragraph. Otherwise, I have a terrible time
21 figuring out where it is that you got the idea, and
22 sometimes I like one idea, and the other does not
23 appeal to me for one reason or another. I do not know.

24 Sometimes I start at the beginning and read
25 the record, and then on other times I start and read

1 the findings, but that is the way I want them done.
2 You do not have to include a table of cases, or a
3 summary, and please do not. I do not use them.

4 I would like a table of contents, though,
5 that is helpful, because sometimes I want to look at
6 one thing or another, and I would think that proposed
7 findings in this case would go much beyond 30 pages,
8 and I should think would be great plenty. And replies,
9 certainly no more than 10.

10 MR. SMITHWICK: Your Honor, I think that has
11 a page limitation set by the rules.

12 JUDGE KUHLMANN: Yes. Yes. Right.

13 MR. SMITHWICK: -- what you like, just to
14 call it a suggestion.

15 (Laughter.)

16 JUDGE KUHLMANN: No. No, no, no. No. No.

17 When I say something like that, that is what
18 I want. I am just being polite, I guess.

19 I am trying to think if there is anything
20 else that I like done in these.

21 I do not like those summaries. Please do not
22 do them. I say this every time, and everyone does
23 them. It just goes in one ear and out the other.

24 MR. SIMPSON: You do not like to see the
25 final conclusion that, if we win?

1 JUDGE KUHLMANN: That I like to see, but I do
2 not like the summary.

3 I just do not read them, and they are just a
4 use of your time, and I cannot imagine your wanting to
5 do them. It just --

6 (Laughter.)

7 JUDGE KUHLMANN: -- boggles the mind. I am
8 sure it serves people who are very busy, like the
9 Commissioners. They read those things, and it is
10 probably fine for them, but for me, that is my job, to
11 read these, and I absolutely read every page.

12 I have, in a recent case, required that no
13 one use footnotes. I would try to avoid footnotes. I
14 would try to put everything in the text. That is not
15 an absolute, but more and more, I use less footnotes,
16 partly because the Commission puts them at the end of
17 the order, and I think they are just about impossible
18 to read back there, and so I started trying to put
19 things in the text, and my training was to write briefs
20 for a living, and that is what I did from the
21 beginning. And so, it was like trying to build a new
22 career when I started not using footnotes, but it
23 works. It is easy enough to do. It just takes some
24 work.

25 Is there anything else?

1 MR. OYSTER: Your Honor, there are settlement
2 negotiations. I did not know if you wanted to hear
3 about that or not.

4 JUDGE KUHLMANN: No, I did not. I did not
5 know about it, but if you settle, great.

6 MR. OYSTER: Agreements in principle have
7 been reached with the applicants represented by Mr.
8 Fitch and Mr. Smithwick, which would end up resulting
9 in Hispanic and Central being the surviving two
10 applicants, still going at it --

11 JUDGE KUHLMANN: Okay.

12 MR. OYSTER: -- assuming that --

13 JUDGE KUHLMANN: MIMS is granted.

14 MR. OYSTER: -- MIMS's amended app.

15 JUDGE KUHLMANN: Okay. Good. Fine. I think
16 the sooner you do it, the easier it is for me and for
17 you, so go ahead. Great.

18 MR. FITCH: Just one comment to that,
19 Your Honor.

20 I am optimistic at least Southwest and
21 probably BBN will settle out, but there are still some
22 issues that need to be resolved --

23 JUDGE KUHLMANN: I assumed that there are, or
24 I would have seen it.

25 MR. FITCH: -- which we are working on.

1 JUDGE KUHLMANN: Okay.

2 MR. FITCH: And the other point is, I know
3 the answer to this but just as a matter of
4 clarification, you said you did not want findings any
5 longer than 30 pages. I assume you meant findings and
6 conclusions --

7 JUDGE KUHLMANN: Of course.

8 MR. FITCH: -- any longer than 30 pages.

9 JUDGE KUHLMANN: Yes.

10 MR. FITCH: Okay.

11 JUDGE KUHLMANN: No. The entire document
12 should not --

13 MR. FITCH: Right. --

14 JUDGE KUHLMANN: -- be any longer than that.

15 I think that will be enough. If you discover
16 that you need more, you can ask for more, but you had
17 better have a good reason for it. But I do not think
18 you are going to need any more than that, and so I
19 think I would try to keep it to that length.

20 Okay. The record is closed, and we are
21 adjourned.

22 (Whereupon, at 10:30 a.m., the prehearing
23 conference was closed.)

24

25

C E R T I F I C A T E

This is to certify that the attached proceedings
before the FEDERAL COMMUNICATIONS COMMISSION

in the matter of: Union Park, Florida

Docket Number: 92-33

Place: Washington, D.C.

Date: July 21, 1992

were held as herein appears, and that this is a true
and accurate record of the proceedings.

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